

REMARKS

Claims 1,6-10,12-14, 16-19, 21, 22 and 25-31 remain active in this application.

Reconsideration is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-31, now Claims 1,6-10,12-14, 16-19, 21, 22 and 25-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis USP 6,613,908. This rejection is respectfully traversed.

Applicants' Claims are amended to restrict the scope of the claimed process to preferred embodiments. Thus, Claims 2-5, 11, 15, 20, 23 and 24 are cancelled and the limitations found therein are inserted into the broad claims. Using Claim 1 as an illustration, the cyanate reagent is now restricted to an alkali cyanate or alkaline earth cyanate selected from the group consisting of sodium cyanate, potassium cyanate, ammonium cyanate, magnesium cyanate, and calcium cyanate, and the amount thereof is from one to ten mole equivalents of the aminoalcohol represented by Formula II, the acid is restricted to an acid selected from the group consisting of hydrochloric acid, sulfuric acid, phosphoric acid, acetic acid, halogenated acetic acids, arylsulfonic acids, alkylsulfonic acids and halogenated alkylsulfonic acids, and the organic solvent medium is limited to those selected from the group consisting of halogenated alkanes solvents, ethereal solvents, nitrile solvents, aromatic solvents; and mixtures thereof. In addition, the amount of said acid is recited as being between about one to about ten molar equivalents in excess of the total number of amine groups in the amino alcohol substrate for the claimed reaction. Support for this latter limitation is found in Applicants' specification at page 5, lines 6-10. The foregoing amendments are made to more precisely define the claimed process and limit it to preferred embodiments, thereby optimizing the results obtained thereby.

Ellis discloses a process for carbamoylating alcohols using an alkali metal cyanate and an acid in the presence of an organic solvent and, in that general sense, is similar to the process of the present invention. However, it is respectfully submitted that it is not possible to generalize the process disclosed by Ellis with that of Applicants' invention as the Examiner has done in the Office Action under reply. Ellis is directed to the carbamoylation of a specific class of alcohols,

i.e. those also containing a sulfenyl radical. There is neither teaching nor suggestion in Ellis that the process disclosed therein would be suitable for the carbamoylation of the special type of alcohols, i.e. aminoalcohols, as Applicants have discovered.

It is respectfully submitted that one of ordinary skill in the art would not be led to the process of the present invention by the teachings of Ellis because of the differences between the two processes. It is stated in Ellis that the disclosed process utilizing methanesulfonic acid produces greatly improved results in comparison to the prior art use of trifluoroacetic acid. In contrast, trifluoroacetic acid is the second acid named in Applicants' list of preferred acids as found on page 5, line 18 of the present specification. While the reaction disclosed by Ellis is preferably run in anhydrous conditions as is Applicants' reaction, water is excluded for a completely different purpose. In Ellis, the purpose of eliminating water from the reaction is to prevent the formation of an allophanate by the reaction of a second mole of cyanic acid with the carbamate. Again in contrast, it has been found in accordance with the present invention that conducting the subject reaction in an organic medium produces O-carbamoylation whereas the same reaction conducted in aqueous acid results in N-carbamoylation. It is respectfully submitted that there is no way in which this discovery would have been evident from the teachings of Ellis which is concerned with a reaction utilizing a starting material that is not an aminoalcohol.

For the foregoing reasons, it is respectfully submitted that a prima facie case of obviousness has not been established over the teachings of Ellis and further that one of ordinary skill in the art seeking an efficient means of carbamoylizing aminoalcohols would not be led to the instant process by the teachings of Ellis in view of the distinctions set forth herein above. Withdrawal of the rejection is in order and is respectfully requested.

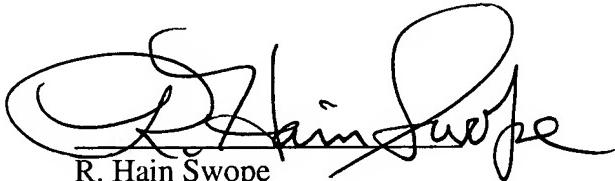
Accordingly, it is respectfully submitted that Claims 1, 6-10, 12-14, 16-19, 21, 22 and 25-31 define patentable subject matter over the teachings of Ellis and that the above-identified patent application is in condition for allowance. An early Notice of Allowance is courteously solicited.

Serial No. 10/680,979

Art Unit: 1621

As this response is timely filed, it is believed that no fees are necessitated by its filing.
Should any fee be required, however, the Commissioner is hereby authorized to charge such fee
to Deposit Account No. 03-3839.

Respectfully submitted.



R. Hain Swope
Attorney for Applicants
Registration No. 24,864

Date: January 27, 2005

Gibbons, Del Deo, Dolan,
Griffinger & Vecchione
One Riverfront Plaza
Newark, New Jersey 07102-5496
(973) 596-4500